

FORTY-SIXTH DAY
(Continued)
(Thursday, April 7, 1983)

AFTER RECESS

The Senate met at 8:30 o'clock a.m. and was called to order by Senator Blake.

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Blake in Chair) announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar.

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended on the bills and resolutions on the Local and Uncontested Bills Calendar so they could be considered on second reading in the order they are listed on the Calendar.

After suspending the regular order by unanimous consent, the following bills were laid before the Senate, read second time, amended where applicable, passed to engrossment, read third time and passed: (Sponsor, vote on Constitutional Three-Day Rule and final passage indicated after caption of each bill)

C.S.S.B. 91 (Glasgow) Relating to appointment of regents of North Texas State University. (30-0) (30-0)

C.S.S.B. 221 (Caperton) Relating to the fee charged for an ad valorem tax certificate. (30-0) (30-0)

C.S.S.B. 246 (Caperton) Relating to the establishment, personnel, powers and duties, and financing of a juvenile board for Milam, Robertson, and Falls counties; providing for cooperation by political subdivisions and associations. (30-0) (30-0)

S.B. 316 (Parmer) Repealing the Texas Equal Health Standard Milk Sanitation Act of 1961, relating to the manufacture and sale of filled milk. (30-0) (30-0)

C.S.S.B. 500 (Harris) Relating to extensions of time for payment of inheritance tax and to inheritance tax liens. (30-0) (30-0)

S.B. 570 (Montford) Relating to the motor fuel tax requirement of surety bonds for interstate truckers. (30-0) (30-0)

C.S.S.B. 588 (Jones) Relating to the authority of water control and improvement districts to enter into certain contracts. (30-0) (30-0)

C.S.S.B. 594 (Sharp) Relating to the application of sales and use tax to parts and accessories added to manufactured houses that are subject to the manufactured housing tax. (30-0) (30-0)

S.B. 612 (McFarland) Relating to higher education authorities. (30-0) (30-0)

Senator McFarland offered the following committee amendment to the bill:

Amend **S.B. 612** as follows:

(1) On page 4, line 24, after "ETC." insert "(a)";

(2) On page 5, insert the following after line 18:

(b) In addition to or in lieu of establishing an authority under the provisions of this chapter, the governing body of a home-rule city or cities may request or order created a nonprofit corporation to act on its behalf and as its duly constituted authority and instrumentality to exercise the powers granted to an authority under the provisions of Section 53.33, Texas Education Code. If a nonprofit corporation

is created for such purposes or agrees to such request, the directors thereof shall thereafter be appointed and be subject to removal by the governing body of the home-rule city or cities. In addition to the powers of lease or acquisition of facilities granted under Section 53.33, the corporation shall have all powers granted under the Non-Profit Corporation Act for the purpose of aiding institutions of higher education in providing educational facilities and housing facilities and facilities incidental, subordinate or related thereto or appropriate in connection therewith. Additional to the provisions of Section 53.33 and the Non-Profit Corporation Act, Sections 53.131, 53.14, 53.15, 53.31, 53.32, 53.331, 53.34, 53.35, 53.38 and 53.41, Texas Education Code, shall apply to and govern such corporation, its procedures and bonds.

The committee amendment was read and was adopted.

On motion of Senator McFarland and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

S.B. 614 (Santiesteban) Relating to the period of validity of certain motor fuel tax decals and permits, to refunds for unused portions of certain advanced taxes paid, and to the determination of the tax liability in the first year after the issuance. (30-0) (30-0)

C.S.S.B. 634 (Farabee) Relating to requiring participation in an alcohol or drug abuse program as a condition of a bond in a criminal case. (30-0) (30-0)

C.S.S.B. 643 (Farabee) Relating to the installation and maintenance of community antenna or cable television equipment. (30-0) (30-0)

S.B. 644 (Sarpalius) Relating to establishment of a juvenile board for Dallam County. (30-0) (30-0)

C.S.S.B. 652 (Glasgow) Relating to certain powers and duties of the Board of Regents of the Texas Woman's University. (30-0) (30-0)

S.B. 659 (Farabee) Relating to the sale of certain State-owned real property in Grayson County. (30-0) (30-0)

S.B. 660 (Sarpalius) Relating to certain fees imposed by county and district court clerks. (30-0) (30-0)

S.B. 662 (Sarpalius) Relating to the amount of the fee charged by county clerks and county recorders for a copy of a birth or death certificate. (30-0) (30-0)

C.S.S.B. 663 (Sarpalius) Relating to certain fees for probate court dockets collected by county clerks and clerks of county courts. (30-0) (30-0)

S.B. 703 (Brooks) Relating to the duties of the Family Practice Residency Advisory Committee. (30-0) (30-0)

S.B. 714 (Doggett) Relating to the lease of space in State office buildings to private tenants. (30-0) (30-0)

Senator Doggett offered the following committee amendment to the bill:

Amend **S.B. 714** as follows:

(1) Insert the words "and parking garages" between the word "buildings" and the comma on page 1, line 10.

(2) Insert the words "or vehicle parking" after the word "space" on page 1, line 14.

(3) Strike the sentence beginning on page 3, line 5, and insert the following in its place:

"If a vending facility is installed, the commission may not lease any space in the building to a tenant that the commission, after consultation with the State Commission for the Blind, determines would be in direct competition with the vending facility. If the State Commission for the Blind determines that the installation of a vending facility is not feasible, the commission shall lease space to at least one private tenant whose activity in the building will be managed by a blind person or by a handicapped person who is not blind."

(4) Insert the words "as a parking garage or" after the word "primarily" on page 4, line 23.

The committee amendment was read and was adopted.

On motion of Senator Doggett and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

S.B. 749 (Sharp) Relating to weight limitations for certain vehicles. (30-0) (30-0)

C.S.S.B. 762 (Doggett) Relating to the political activity of State employees. (30-0) (30-0)

S.B. 778 (Sarpalius) Relating to establishment of a juvenile board in Sherman County. (30-0) (30-0)

S.B. 779 (Sarpalius) Relating to a work release program for persons convicted of certain criminal offenses. (30-0) (30-0)

Senator Sarpalius offered the following committee amendment to the bill:

Amend **S.B. 779** as follows:

(1) On page 2, line 2, strike "department" and substitute "sheriff".

(2) On page 2, line 10, between "jail" and "at" insert "or in another facility designated by the sheriff".

The committee amendment was read and was adopted.

On motion of Senator Sarpalius and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

S.B. 826 (Williams) Relating to the authority of a county to set and collect fees for the use of county recreational facilities and services. (30-0) (30-0)

C.S.S.B. 843 (Doggett) Relating to the application of certain vehicle and traffic laws to bicycles and bicyclists. (30-0) (30-0)

C.S.S.B. 845 (Doggett) Relating to disciplinary actions by the State Board of Pharmacy. (30-0) (30-0)

S.B. 861 (Uribe) Relating to the responsibility of the Department of Human Resources to provide protective services to elderly and disabled persons. (30-0) (30-0)

Senator Uribe offered the following committee amendment to the bill:

Amend **SECTION 1** of **S.B. 861** by deleting Subsection (d), of Sec. 48.061 and by substituting the following:

"(d) On finding that there is reasonable cause to believe that abuse or neglect presents an immediate threat to life for the elderly or disabled person and that the elderly or disabled person lacks capacity to consent to services, the court may order removal of the elderly or disabled person to safer surroundings, authorize medical treatment, and order other available services necessary to remove conditions

creating the immediate threat to life. The court shall appoint an attorney ad litem to represent the interests of the elderly or disabled person at the first or a subsequent hearing.”

The committee amendment was read and was adopted.

On motion of Senator Uribe and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

S.B. 873 (Jones) Relating to the annual meeting of the directors of soil and water conservation districts. (30-0) (30-0)

S.B. 878 (Brooks) Relating to protective orders under Title 4, Family Code. (30-0) (30-0)

S.B. 967 (Henderson) Relating to certain requirements imposed on foreign insurance corporations seeking to conduct insurance business in this State. (30-0) (30-0)

S.B. 1004 (Sharp) Relating to the creation of the County Court at Law of Caldwell County. (30-0) (30-0)

C.S.S.B. 1025 (Sharp) Relating to abandoned motor vehicles. (30-0) (30-0)

C.S.S.B. 1027 (Sharp) Relating to the creation and enforcement of liens on motorboats and outboard motors. (30-0) (30-0)

C.S.S.B. 1112 (Sharp) Relating to the distribution to political subdivisions of money received from the use and development of federal public land. (30-0) (30-0)

C.S.S.B. 1130 (Doggett) Relating to a report of a professional nurse who is suspected of being impaired by chemical dependency or mental or physical illness. (30-0) (30-0)

C.S.S.B. 1131 (Henderson) Relating to life insurance company separate accounts. (30-0) (30-0)

S.B. 1180 (Sharp) Relating to the repeal of the State law providing that no person other than an elector resident may be appointed to any office by the governing body of a general law city. (30-0) (30-0)

S.B. 1198 (Doggett) Relating to waiver of benefits from the Employees Retirement System of Texas. (30-0) (30-0)

S.B. 1210 (Sarpalius) Relating to establishment of a juvenile board for Hartley County. (30-0) (30-0)

S.B. 1227 (Parker) Relating to the exclusion of serial and journal subscriptions for university libraries from the State Purchasing and General Services Act. (30-0) (30-0)

S.C.R. 35 (Whitmire) Granting Mrs. Richard P. (Marguerite) Hamric permission to sue the State of Texas. (vv)

BILLS REMOVED FROM LOCAL AND UNCONTESTED BILLS CALENDAR

The following bills were removed from the Local and Uncontested Bills Calendar:

Bill Number
S.B. 692
S.B. 802

Senators Objecting
Farabee, Blake
Farabee, Blake

**CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS
CALENDAR**

The Presiding Officer (Senator Blake in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 9:01 o'clock a.m. adjourned until 10:30 o'clock a.m. today.

**FORTY-SEVENTH DAY
(Thursday, April 7, 1983)**

The Senate met at 10:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Absent-excused: Howard, Parker, Washington.

A quorum was announced present.

The Reverend Dr. Freddie Dixon, Sr., Wesley United Methodist Church, Austin, offered the invocation as follows:

O God, Because You are - we are;
Because You give - we receive;
Because You love - we respond;
Because You call - we answer;
Because You created all of us to be brothers and
sisters - we strive to act as brothers and sisters.
Amen! Amen!

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Parker was granted leave of absence for today on account of important business on motion of Senator Mauzy.

Senator Washington was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Howard was granted leave of absence for today on account of important business on motion of Senator Jones.

CO-AUTHOR OF SENATE BILL 287

On motion of Senator Traeger and by unanimous consent, Senator Montford will be shown as Co-author of S.B. 287.